IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.8839 of 2008
SURESH SAH & ANR
Versus
THE STATE OF BIHAR & ANR
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2. **15.05.2008** Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The two petitioners pray for anticipatory bail in a complaint case under Sections 341, 323, 504 of the Indian Penal Code and 3 and 4 Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

Learned counsel for the petitioners submits that the present case is out and out a false and concocted case in order to put pressure upon the petitioners since the petitioner no. 1 had earlier on 27.7.2007 filed Chiraiya P.S. Case No. 88/2007 under Sections 323,324,341, 307 and 504/34 of the Indian Penal Code against the Mukhiya Madhuri Devi, her husband Prem Kumar Bhagat and others and in retaliation to the same within two weeks of the lodging of the FIR the present complaint petition has been filed through the driver of the said accused persons. It is submitted that the present complaint petition has been filed in order to put pressure upon the petitioners to withdraw the police case against the Mukhiya and her husband.

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In the case of Mahesh Prasad Singh & anr. Vs. The State of Bihar : 2005(3) PLJR 744, it was held by this Court that mere filing of a case under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act on allegations which are of mere cosmetic nature does not by itself debar the person from obtaining anticipatory bail.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners, (1) Suresh Sah and (2) Dinesh Kumar @ Dinesh Sah in the event of their arrest/surrender in the court below within four weeks from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Complaint Case No. C 536/2007 to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran subject to other applicable conditions laid down under Section 438(2) Cr.P.C.

S. Pandey **(Ramesh Kumar Datta, J.)**

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